IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 24TH AUGUST 2006 / 2ND BHADRA 1928

Bail Appl..No. 5189 of 2006

CRMP.2786/2006 of DISTRICT COURT, PALAKKAD
CRIME NO.280/2006 OF ALATHUR POLICE STATION

.....

PETITIONER/ACCUSED NO.1:

SANTHOSH KUMAR, AGED 35 YEARS,
S/O. P. NARAYANANKUTTY, `SREENILAYAM',
PULLODU, ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, ALATHUR POLICE
STATION, PALAKKAD DISTRICT, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5189/2006

DATED THIS THE 24TH DAY OF AUGUST, 2006

O R D E R

The petitioner is the first accused, in crime No.280/2006 of Alathur Police Station, for the offence punishable under Sections 324, 406, 420 and 376 IPC read with Section 34 IPC.

2. The prosecution alleges that, after suppressing the fact of the first marriage of the petitioner, the first accused, all the accused committed cheating, by making the petitioner to marry the daughter of the dafacto complainant. Therefore, at his instance the crime had been registered.

3. When the application came up for consideration, the learned counsel produced certain documents, which show that the father of Deepa had filed Crl.M.P.1783/2006, before the Judicial Magistrate of First Class, Alathur, under Section 97 Cr.P.C. Accordingly, the police searched and brought Deepa, the alleged detenu, who is aged about 28. The counsel submitted that Deepa

had studied upto MBA and the petitioner is an engineer. The counsel also submitted both the them were married earlier and those marriages had broken down. These facts were known to each other.

4. In the sworn statement of the daughter of the defacto complainant, recorded by the Magistrate, she stated that she had never been kept under illegal custody or her freedom had not never been curtailed. She further stated that she was also fully aware that the petitioner was married earlier, and she had not been abducted. She had gone to the extent of stating that she would proceed against her father, who had preferred the petition and the averments in the petition filed by him are fully false.

5. After hearing both sides and considering the materials on record, I direct the petitioner, first accused, to surrender before the Investigating Officer, on 31.8.2006.

6. The Investigating Officer shall interrogate the petitioner and release him on bail, on he executing a

bond for Rs.15,000/-, with two solvent sureties, each for the like sum to the satisfaction of the Investigating Officer, arresting him.

7. The petitioner shall report before the Investigating Officer, as and when required, till 30.9.2006, for the purpose of the completion of the investigation.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs